

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER THOMPSON, et al.,

Plaintiffs,

Case No. 2:07-cv-11107

v.

HONORABLE STEPHEN J. MURPHY, III

CITY OF FLINT, et al.,

Defendants.

**ORDER CERTIFYING SETTLEMENT CLASS, AND APPROVING SETTLEMENT,
ATTORNEYS' FEES AND COSTS, PLAN OF ALLOCATION, AND APPOINTMENT
OF CLASS REPRESENTATIVE**

On December 4, 2009, the Court held a preliminary fairness hearing with regard to the proposed settlement in this matter. Notice of the proposed settlement, proposed plan of allocation of settlement proceeds, class definition, right to object and right to attend this preliminary fairness hearing was given to the class by regular mail and publication at least 30 days before this hearing. Class members were notified that objections must be filed by November 25, 2009 and no objections were filed as of that date. In addition, no persons or parties appeared before the Court at the fairness hearing with objections. Having read and considered the Settlement Agreement, the pleadings filed in this matter, the testimony of proposed class representative Jennifer Thompson, the affidavit of Michael Pitt, and based upon the Court's familiarity with the proceedings in this matter, the Court finds that:

1. The Court has subject matter jurisdiction over this Action, the Class Representative, the Class and the Defendants.

2. Notice of the proposed Settlement was timely disseminated in accordance with the terms of the Order Preliminarily Approving Settlement Agreement, Conditionally Certifying Class, Approving Class Notice and Scheduling First Fairness Hearing entered on November 4, 2009. Such notice satisfies the requirements of Rule 23(c)(2) of the Federal Rules of Civil Procedure and due process.
3. The proposed settlement and plan of allocation is fair, reasonable and adequate within the meaning of Rule 23(e)(2) of the Federal Rules of Civil Procedure. In support of this finding this court finds as follows:
 - i. The issues as to liability and damages are issues as to which there are grounds for differences of opinion and the proposed settlement constitutes a resolution of those issues that is fair, reasonable and adequate to the Class Members and settlement of these claims in the amount and under the terms proposed is in the public interest.
 - ii. The allocation of the settlement proceeds between the Plaintiffs and their counsel is fair and adequate. The plan of allocation of settlement proceeds amongst the class of plaintiffs described in the "Thompson Plan of Allocation of Claimant Awards" dated October 26, 2009 is hereby approved. An awards panel consisting of retired judge Pamela R. Harwood, Kathleen L. Bogas, an attorney, and Daniel Korobkin, an attorney with the American Civil Liberties Union of Michigan, will render individual awards and allocate settlement proceeds of \$564,470.04 to qualified class members.

- iii. Class Counsels' claim for payment of \$282,235.01 in attorney fees and \$53,294.95 in costs in conjunction with their prosecution of this matter is fair and reasonable. In making this finding, the Court has considered the affidavit of attorney Michael Pitt, the pleadings in this matter, the complexity of the case, the experience of class counsel, and the time and effort expended by class counsel. The Court finds that this fee will not in any way jeopardize the payment to the class members of their claims and approves the fee as being reasonable.
- 4. This Court holds Jennifer Thompson is an adequate class representative after having considered the pleadings and the affidavit and testimony of Jennifer Thompson. In support of this holding, the Court finds Jennifer Thompson's claims are typical of the class, she has actively participated in the litigation and cooperated with counsel, and therefore that she is a suitable representative of the class. Therefore, this court appoints Jennifer Thompson class representative.
- 5. The Court has set a **final fairness hearing** for **2:00 p.m. on February 16, 2010** in Courtroom 228 of the Theodore Levin United States District Courthouse, at 231 West Lafayette Boulevard in Detroit, Michigan. Only timely objections to individual class member awards will be heard at the final fairness hearing.

WHEREFORE, it is hereby **ORDERED** that the terms of the Settlement Agreement, the Plan of Allocation, the request for attorney fees and costs, and the appointment of Jennifer Thompson as class representative are approved by the Court as being fair, just and reasonable for the reasons set forth above.

It is further **ORDERED** that the member class is **CERTIFIED** for purposes of settlement only. This matter shall proceed to a final fairness hearing in the manner set forth above.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 14, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 14, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager